



CITY OF SUNNYVALE REPORT Administrative Hearing

March 30, 2005

SUBJECT: **2005-0143:** Application on a 6,118 square foot site located at **267 Eureka Court** (near San Diego Ave) in an R-0 (Low-Density Residential) Zoning District.

Motion Variance from SMC (Sunnyvale Municipal Code) section 19.34.030 and 19.46.060 (4) to allow a one-story addition to an existing one-story house resulting in a four-bedroom house without 2 covered parking spaces and total side yard setback of 10 feet where 12 feet is required.

REPORT IN BRIEF

Existing Site Conditions Existing one-story home

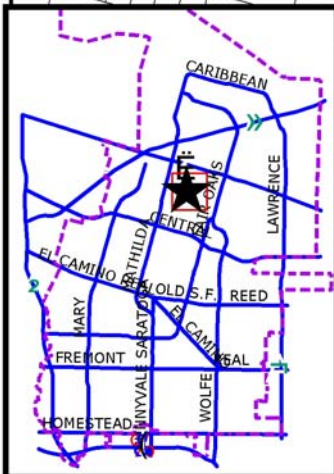
Surrounding Land Uses

North	Single Family Residential
South	Single Family Residential
East	Single Family Residential
West	Single Family Residential

Issues Justifications for a variance

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Deny



267 Eureka Ct Variance

0 180 360 720 Feet



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	Residential Low Density	Same	Residential Low Density
Zoning District	R-0	R-0	R-0
Lot Size (s.f.)	6,118	6,118	6,000 min.
Lot Width (ft.)	50	50	57 min.
Gross Floor Area (s.f.)	1,718	1,960	None >1,800 requires 2 covered parking spaces
Lot Coverage (%)	28	31.5	40 max.
No. of Buildings On-Site	1	1	1
Building Height (ft.)	24'	24'	30 feet max.
No. of Stories	1	1	2 max.
Setbacks (facing prop.)			
• Front (ft.)	20'	20'	20' min.
• Right Side (ft.)	5'	5'	4' min.
• Left Side (ft.)	5'	5" (Total 10')	8' min. (Total 12')
• Rear	44	44	10' min.
• Rear Encroachment (%)	0	0	25% max.
Parking			
• Total No. of Spaces	2	2	4 min.
• Total Covered Parking	1	1	2 min.

Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS**Description of Proposed Project**

The applicant desires to add space on the ground floor by modifying the rear floor plan of existing covered space and to enclose a small courtyard internal to the home's design. The additions result in a home of 1960 square feet with four bedrooms and a den. The variance is required for approving a home with four bedrooms or square footage greater than 1,800 square feet without two covered parking spaces and to allow a total side yard setback of ten feet where twelve is required.

Background

Previous Actions on the Site: No other planning permits have been reviewed for the site. The home was originally built in 1954. The original home design

for the subject floor plan included no front door facing the street, but an entryway through a courtyard located along the side of the home. The plan also included a setback, single-car garage with a covered carport in front of the garage that was even with the front wall of the home. It appears the garage was converted to living space at an earlier date and the single-car carport was maintained as covered parking. The applicant indicates within his justifications that he has previously enclosed the courtyard space, no building permits are on record for this work.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions. Class 1 Categorical Exemptions include modifications to existing structures.

Variance

Sunnyvale Municipal Code (SMC) §19.46.060 (4) requires that additions to homes that exceed 1,800 square feet of gross floor area or have four or more bedrooms require two covered parking spaces. The proposed project exceeds 1,800 square feet and by definition has five bedrooms, while only having one covered parking space. Secondly, §19.34.030 requires that side yard setbacks for a home equal a total of 12 feet when adding both the left and right yard setback together. As proposed, the home has a 10-foot total side yard setback.

Site Layout:

The subject site is a rectangular lot approximately 50 feet in width and 120 feet in depth. The home is centered on the existing lot with five-foot setbacks on the sides. This lot configuration is typical of the first few homes along the cul-de-sac before the bulb for the cul-de-sac begins.(Attachment D) Although the lot width is substandard for R-0 zoning standards, most of the rectangular lots in the general vicinity are also between 50-55 feet in width; meaning the subject site is not irregular for the area.

The same original floor plan and layout is repeated on this block of Eureka Court and throughout the neighborhood. The homes appear to have originally all had courtyard entries and setback single car garages with carports in front. On the applicant's block there are 3 out of 14 other homes that appear to have converted the garage space to living space similar to what the applicant proposes. Staff's cursory review of permit indicates at least one of these received building permits in the 1980s for this conversion.

Architecture:

The proposed modifications are incorporated into the existing home's design. The filling in of the courtyard area is internal to the home. As noted earlier there is no front door and the entrance into the home will go through the proposed bedroom within the enclosed courtyard. The addition in the rear is proposed to follow the current building lines of the side and rear of the home. However, the extension of the home along the existing nonconforming five-foot setback requires a variance. To comply with the setback standard the addition is required to be seven feet from the property line, inset two additional feet beyond what is proposed.

The pitch of the roof for the additions are maintained at the low slope of the existing home and exterior finishes and roof materials will also match existing. A roof plan has not been provided to indicate how the roof will function for drainage over the enclosed courtyard. A roof plan would be required to obtain a building permit.

There is a nonconforming illegal covered extension into the front right side yard. Staff notes that this is to be removed as it is in violation of the zoning code and building code. An alternative to the covered extension is to replace it with up to a 24-inch cantilevered covering.

One additional feature to note pertains to the carport and the proposed laundry area's partitioning. The laundry area is not proposed to have full height permanent walls but instead is called out as five-foot four-inch wood screens to separate a laundry area from parking area. This wood screen is also proposed along the left side elevation. Staff recommends that full enclosure be required of the design to ensure unsightly storage does not occur.

Parking/Circulation:

The home currently has a single car carport providing covered parking and one uncovered space in the driveway. It appears that the home was originally constructed with a one-car garage behind the carport but has been converted into living area at some point in the past. There is not record of the conversion on file. The parking design with the one car garage and carport is typical of the block.

The proposed modifications require that two covered parking spaces be provided. Due to the width of the lot and the configuration of the home there is not space available to add a two-car wide garage or carport without going into the living area of the existing home.

Compliance with Development Standards/Guidelines:

The existing home is non-conforming due to lack of a 12-foot total side yard setback and two covered parking spaces. The covering at the right side of the home is also nonconforming. Gauging from staff's site visit and the applicant's statement about previous modifications to the home, there are no records for building permits for enclosing the courtyard or converting the garage space to habitable space. No matter the outcome of the variance request the applicant will need to remove the covering in the right setback and receive building permit approval for the modifications to the original home enclosing the courtyard. Approval of the modifications will be difficult due to the covered parking requirement for a four bedroom home, a considerable change to the floor plan would be required so as to not result in four bedrooms by definition in the SMC.

Expected Impact on the Surroundings:

Architecturally the project would only impact the abutting neighbor to the west if the screened laundry area becomes unmanaged storage area or trash collection area. The laundry could become a noise nuisance at times as well. The impact of the parking variance would be allowing for a higher level of occupancy in the home without meeting parking requirements thereby resulting in a higher degree of demand for public parking (on-street parking) in the neighborhood. The intent of the ordinance was to limit disproportionate use of public parking by individual homes in a neighborhood without going to the extent of protecting public parking supply by requiring neighborhood parking permits. If the parking demand was too great for the cul-de-sac block people will tend to park along corners, too near driveways, or across sidewalks, or along other side streets pushing further out into a neighborhood creating a nuisance or hassle to other residents for driving along the street or accessing their property. Overflow of parking could also hinder emergency services if there was a severe shortage in the area.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> Published in the <i>Sun</i> newspaper Posted on the site 9 notices mailed to adjacent property owners and residents of the project site 	<ul style="list-style-type: none"> Posted on the City of Sunnyvale's Website Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> Posted on the City's official notice bulletin board City of Sunnyvale's Website Recorded for SunDial

Conclusion

Discussion: The applicant has addressed the three required findings for a variance in Attachment "C" Justifications. The applicant contends that not permitting the changes will restrict the economic value of his property as compared to the other properties in the neighborhood that have expanded or modified their homes without providing two covered parking spaces. The applicant also states he would have no objectionable impacts to neighbors due to parking on the street because most people in the area already park on the street.

In regards to the first finding, the applicant has not provided justifications relating to the exceptional situation pertaining to his subject site. Staff has also not found an exceptional situation attributed to the site or use due to the fact the home is of the same original design as most other homes in the neighborhood and that the lot size and width, although of nonconforming width, are not irregular for the area. The applicant has stated that he has been deprived of a privilege enjoyed by other properties that have previously modified or expanded their homes.

For the second finding the applicant believes the proposed changes would increase his home value and therefore be beneficial to the neighborhood. Staff believes that the impact on the public parking supply of permitting this variance could result in a detrimental impact to the public welfare and character of the neighborhood if there was a high degree of on-street parking with the associated impacts discussed earlier in the report. Approving this request may also allow all of the homes to make the same findings for expansion of the home due to similar circumstances for all the homes on the block resulting in cumulative impact to parking supply over time.

The applicant addresses the third finding stating other homes have enjoyed the privilege of remodeling or adding onto their homes similar to his request. The applicant has not addressed the intent of the ordinance, which is for individual homes to provide needed parking on site and not to overly rely upon public parking to serve their needs for expansion of use.

Findings:

Staff is recommending denial for this project because the Findings (Attachment A) were not made. However, if the approving authority is able to make the required findings, staff is recommending the Conditions of Approval (Attachment B) for the project be attached to the approval.

Alternatives

1. Deny requested variance
2. Approve the application with attached conditions.
3. Approve the application with modified conditions.

Recommendation

Recommend Alternative 1

Prepared by:

Kelly Diekmann
Project Planner

Reviewed by:

Steve Lynch
Associate Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Applicant Justifications
- D. Site and Architectural Plans

Recommended Findings - Variance

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district. This Finding is not made. The applicant has not addressed what extraordinary circumstances apply to the site or use that would deprive him of a privilege enjoyed by others and Staff was not able to justify this finding based upon the fact the lot width is nonconforming because the subject floor plan is prevalent in the area most lots are also below current R-0 standards. The lot itself is in fact typical of the area not exceptional.
2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district. This finding has not been made. The lack of on site parking to serve the use's need would increase the demand of public on-street parking, potentially exacerbating crowded parking conditions on a cul-de-sac street. Crowded parking conditions are detrimental to single-family neighborhood character and may create access nuisances or hassles for neighboring residents.
3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. This finding has not been made. The intent of the ordinance is to have larger homes provide required parking on their site so as not to overly rely upon public parking to meet their needs. Expanding the home without providing for additional parking of any type does not meet the intent of the ordinance.

Recommended Conditions of Approval if the Variance is Granted.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. The variance and design review shall be null and void one year from the date of approval by the final review authority if the approval is not exercised.
- B. Project shall be in conformance with the plans approved at the public hearing. Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- D. Obtain building permits for the proposed plan.
- E. The applicant shall remove the nonconforming covering from the front right yard setback prior to occupancy of the addition. A 24-inch cantilevered covering may be proposed to replace the covering.
- F. All new construction shall meet the 12-foot total side yard setback requirement.

2. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. The plans shall be revised to provide the following:
 - 1. Provide a full wall separation of the laundry area and the home to the west. Materials are to be of a durable nature and compatible with the finish of the existing home.
 - 2. Indicate that that the carport space is a minimum of 18 feet deep, 8.5 feet wide, and encloses an area of 200 square feet.
 - 3. 300 cubic feet of storage area.
- B. Provide a roof plan indicating drainage patterns for the enclosed courtyard area.
- C. Final exterior building materials and color scheme are subject to review and approval Director of Community Development prior to issuance of a building permit.

